

REMARKS

Applicant thanks Examiner Shrestha for the thorough examination and for recognizing that claims 1-50 would be allowable when amended to overcome the rejection under 35 U.S.C. § 101 set forth in the Office Action mailed June 23, 2009 (“Office Action”). In summary, the Office Action set forth the following:

- Claims 1, 29, and 50 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over claims 51, 64 and 70 of Application Ser. No. 11/415,967.¹
- Claims 1-50 were rejected under 35 U.S.C. § 101 as non-statutory subject matter

Claims 1, 29 and 50 have been amended. Support for the amendments may be found throughout the specification, and therefore, no new matter has been added. Applicant respectfully submits that the pending claims are allowable for at least the following reasons:

I. **Double-Patenting**

A Terminal Disclaimer is filed herewith, and therefore, the rejection is obviated. Withdrawal of the rejection is requested.

II. **35 U.S.C. § 101**

The claims include amendments suggested by the Examiner to obviate the rejection. Accordingly, Applicant respectfully submits the claims are allowable.

¹ Applicant notes that the reference to Application No. 11/465,967 in the Office Action appear inadvertent because Application No. 11/465,967 and the present application are not commonly assigned. Because Application No. 11/415,967 was cited in the Office Action dated 03/17/2009 as the basis of the double-patenting rejection, it appears that present rejection instead is based on Application No. 11/415,967.

III. Conclusion

In view of the foregoing, Applicant respectfully submits that the features of the claims are not disclosed or suggested by the cited art. Favorable consideration and withdrawal of the rejections are respectfully requested.

Respectfully submitted,
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Dated: August 6, 2009

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